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VIA ECF

Honorable Katharine H. Parker, U.S.M.J.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *The Gap, Inc. v. Ponte Gadea New York LLC*
Case 1:20-cv-4541(LTS)(KHP)

Dear Magistrate Judge Parker:

We are counsel to Ponte Gadea New York LLC (“Ponte Gadea”) in the above-captioned action and we write to the Court jointly on behalf of Ponte Gadea and The Gap, Inc. (“Gap”) (together with Ponte Gadea, the “Parties”). On October 26, 2021, the Court held a case management conference and permitted the Parties to engage in discovery on certain issues. (ECF Nos. 108, 110). The Court further directed the Parties to submit a joint letter as to the status of discovery on November 30, 2021. (ECF No. 110).

To date, the Parties have exchanged document requests and served subpoenas for documents and depositions. On November 16, 2021, Ponte Gadea timely served responses and objections to certain of the subpoenas as they were directed to Ponte Gadea’s employee (Alina Toyas) and expert (Andrew Kahn and Cushman & Wakefield). On November 29, 2021, Ponte Gadea timely served responses and objections to Gap’s request for documents, and Ponte Gadea is in the process of reviewing documents for production to Gap. As for Gap, the Parties have agreed to a one-day extension and thus Gap’s responses and objections to Ponte Gadea’s document requests are due on December 3, 2021. The Parties are also engaged in ongoing meet and confer discussions in an effort to resolve a dispute regarding the scope of discovery. The Parties met and conferred on November 8, November 18, and November 30, and are scheduled to meet and confer again on December 1, 2021. While engaged in this process and pending the exchange of documents, the Parties have agreed to postpone the scheduling of depositions.

The Parties are hopeful that their meet and confer will resolve all discovery issues. However, in the event that this process results in an impasse, the Parties will bring any remaining issues to the Court’s attention as soon as practicable.

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Finally, with respect to scheduling a settlement conference, on agreement of the Parties, counsel for Ponte Gadea timely contacted Judge Cave's chambers regarding dates, and the Parties are in the process of scheduling the settlement conference for an available date in early 2022.

Respectfully submitted,

/s/ Darryl R. Graham

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